

TWENTY-FIFTH DAY

(Thursday, February 23, 1961)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by Senator Owen.

The roll was called and the following Senators were present:

Aikin	Lane
Baker	Martin
Calhoun	Moore
Colson	Owen
Creighton	Parkhouse
Crump	Patman
Dies	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Schwartz
Herring	Secrest
Hudson	Smith
Kazen	Willis
Krueger	

Absent—Excused

Moffett Weinert

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation as follows:

"Holy Father, we live in a sin-sick world. Thou art the great Physician, help us in all our afflictions. Heal the broken hearts; soothe our sorrows; strengthen the feeble knees, and make us to rejoice in the forgiveness of our sins. For Christ's sake. Amen."

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Leaves of Absence

Senator Weinert was granted leave of absence for today on account of important business on motion of Senator Lane.

Senator Moffett was granted leave of absence for today on account of illness in the family on motion of Senator Aikin.

Senate Resolution 133

Senator Aikin offered the following resolution:

Whereas, Mr. A. W. Jackson, County Commissioner of Red River Coun-

ty, and Mr. Paul Daniels, President of Clarksville Chamber of Commerce, and Mr. Sam Allen and Mr. Archie Murray and Dr. James Kelty, all outstanding citizens of Red River County, are visitors at the Capitol today; and

Whereas, The Senate desires to welcome these distinguished citizens; now, therefore, be it

Resolved, That we extend them a hearty welcome and the privileges of the floor for today.

The resolution was read and was adopted.

Senator Aikin by unanimous consent presented the guests to the Members of the Senate.

Senate Resolution 134

Senator Dies offered the following resolution:

Whereas, We are honored today to have as a visitor in the Senate Judge Joe J. Fisher; and

Whereas, We desire to welcome this distinguished visitor to the Capitol Building and Capital City; now, therefore, be it

Resolved, That his presence be recognized by the Senate of Texas and that he be extended the official welcome of the Senate.

The resolution was read and was adopted.

Senator Dies by unanimous consent presented Judge Fisher to the Members of the Senate.

Senate Resolution 135

Senator Gonzalez offered the following resolution:

Whereas, We are honored today to have in the gallery of the Senate the 8th Grade Class of St. James School accompanied by their teacher and sponsor Father Raymond Henke and Mother Mary Elizabeth; and

Whereas, These students are on an educational tour of the Capitol Building and the Capital City; and

Whereas, This fine group of young American citizens is here to observe and to learn at firsthand the workings of their State government; now, therefore, be it

Resolved, That we officially recognize and welcome these guests and

commend them for their interest; and that a copy of this Resolution, properly endorsed, bearing the official seal of the Senate, be mailed to them in recognition of their visit.

The resolution was read and was adopted.

Senator Gonzalez by unanimous consent presented the students and teacher and sponsor to the Members of the Senate.

Message from the House

Hall of the House of Representatives,
Austin, Texas,
February 23, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. B. No. 96, Relating to the regulation of the manufacture, sale, or distribution, of commercial fertilizer; repealing Articles 1709 through 1720, inclusive, Title 19, Chapter 12, Texas Penal Code, as amended, and Articles 94 through 108, inclusive, Title 4, Chapter 5, Texas Revised Civil Statutes (1925), as amended; and declaring an emergency.

H. B. No. 17, To amend Article 2892, Revised Civil Statutes, 1925, as amended by Senate Bill No. 49, Chapter 160, Acts, Forty-fourth Legislature, Regular Session, 1935; to amend Article 297, Penal Code of Texas, 1925, as last amended by House Bill No. 652, Acts, Forty-sixth Legislature, Regular Session, 1939, page 227; to repeal Senate Bill No. 278, Chapter 88, Acts, Forty-ninth Legislature, Regular Session, 1945; to repeal House Bill No. 1054, Chapter 221, Acts, Forty-second Legislature, Regular Session, Special Laws, page 439—all of which relate to compulsory school age and attendance providing this Act shall not be construed as amending the exemptions appearing in Article 2893, Revised Civil Statutes of Texas, 1925, as last amended; and declaring an emergency.

H. B. No. 122, Amending Title 122A, Taxation—General, Chapter 1, Article 1.07, Acts of the Fifty-sixth Legislature, Third Called Session, 1959, providing for recording of lien of all taxes provided for in this Act, due the State of Texas before the taxes shall

be a lien on real estate; providing such liens shall not be valid or effective as against mortgagee, purchaser, pledgee, holder of deed of trust lien or judgment creditor acquiring title, lien, or other right or interest before such notice has been so filed and recorded; adding a new Article denominated 1.07B providing for such lien to be a lien on real estate; repealing all laws or parts of laws in conflict herewith; providing the Act shall not apply to pending litigation; providing that a holding of unconstitutionality of any part of this Act shall not affect the remainder; and declaring an emergency.

S. B. No. 139, Amending the Act approving and adopting the Sabine River Compact, Chapter 63, page 89, Acts of the 53rd Legislature, 1953, Regular Session, so as to amend Article VII (C) of the Sabine River Compact to change the term of office for the Texas members; amending Section 2 of said Act by establishing fees of office and terms of office; authorizing notice of this Act; repealing all laws in conflict herewith; containing a severability clause; and declaring an emergency.

Respectfully submitted,

DOROTHY HALLMAN
Chief Clerk, House of Representatives

Reports of Standing Committees

Senator Hardeman submitted the following reports:

Austin, Texas,
February 23, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Jurisprudence, to which was referred S. B. No. 214, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HARDEMAN, Chairman.

Austin, Texas,
February 23, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Jurisprudence, to which was referred S. B. No. 186, have had the same under consideration, and we are instructed to report it back to the Senate with

the recommendation that it do pass and be printed.

HARDEMAN, Chairman.

Senator Baker submitted the following report:

Austin, Texas,
February 23, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Banking, to whom was referred S. B. No. 145, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

BAKER, Chairman.

Senator Krueger submitted the following reports:

Austin, Texas,
February 23, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred H. B. No. 364, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

KRUEGER, Chairman.

Austin, Texas,
February 23, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred H. B. No. 283, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

KRUEGER, Chairman.

Senator Lane submitted the following reports:

Austin, Texas,
February 23, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 118, have had the same under consideration, and we are instructed to report it back to the Senate with

the recommendation that it do pass and be printed.

LANE, Chairman.

Austin, Texas,
February 23, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 231, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

LANE, Chairman.

Austin, Texas,
February 23, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 197, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

LANE, Chairman.

Austin, Texas,
February 23, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 182, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

LANE, Chairman.

Austin, Texas,
February 23, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 163, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

LANE, Chairman.

House Bill 364 Ordered Not Printed

On motion of Senator Krueger and by unanimous consent H. B. No. 364 was ordered not printed.

House Bill 283 Ordered Not Printed

On motion of Senator Krueger and by unanimous consent H. B. No. 283 was ordered not printed.

Bills and Resolution on First Reading

The following bills and resolution were introduced, read first time and referred to the committees indicated:

By Senator Kazen for Senator Fuller:

S. B. No. 258, A bill to be entitled "An Act to amend Chapter 315, page 517, being Senate Bill No. 176, Acts of 1945, 49th Legislature, as amended by Chapter 369, page 621, being Senate Bill No. 273, Acts of 1951, 52nd Legislature, known as the Public Accountancy Act of 1945, and codified as Article 41a, Vernon's Annotated Civil Statutes of 1925, as amended; repealing all laws in conflict therewith; and declaring an emergency."

To the Committee on State Affairs.

By Senator Gonzalez:

S. B. No. 259, A bill to be entitled "An Act to amend Article 1178 of the Penal Code of the State of Texas to provide additional acts which shall constitute the offense of kidnapping, providing a penalty therefor, providing for additional penalties, providing for venue, providing for exceptions, providing that this Act shall be cumulative, providing a savings clause; and declaring an emergency."

To the Committee on Jurisprudence.

By Senator Gonzalez:

S. B. No. 260, A bill to be entitled "An Act to authorize counties to establish the Office of Public Defender; excepting counties of less than two hundred and fifty thousand (250,000) population; providing qualifications; providing for appointment; setting forth duties; providing for expenses and salary; providing for records and reports; making the Act cumulative; and declaring an emergency."

To the Committee on Jurisprudence.

By Senator Krueger:

S. B. No. 261, A bill to be entitled "An Act amending Section 16(a) of Chapter 482, Acts of the 44th Legislature, 3rd Called Session, 1936, as amended, to provide for an increase in penalties for misrepresentations

and false statements made in applications for unemployment insurance; and declaring an emergency."

To the Committee on Jurisprudence.

By Senator Herring:

S. B. No. 262, A bill to be entitled "An Act to transfer to the Board for Texas State Hospitals and Special Schools all lands, funds, and property belonging to or purchased for the Texas Blind, Deaf and Orphan School; providing that the Board for Texas State Hospitals and Special Schools shall have exclusive jurisdiction and control over the Texas Blind, Deaf and Orphan School; prescribing certain duties of the Executive Director and Administrator of Special Schools; providing for jurisdiction over all physical assets; providing that all appropriations, grants, and gifts made for the benefit of the Texas Blind, Deaf and Orphan School shall be administered and expended by the Board for Texas State Hospitals and Special Schools; and declaring an emergency."

To the Committee on State Affairs.

By Senator Secrest:

S. B. No. 263, A bill to be entitled "An Act amending Article 4.01 of the Insurance Code of Texas, as amended, relating to that provision of the Code which requires that furniture, fixtures and automobiles are to be rendered as personal property in the city and county where located; providing that all laws in conflict are repealed; and declaring an emergency."

To the Committee on State Affairs.

By Senator Willis:

S. B. No. 264, A bill to be entitled "An Act to create an additional County Criminal Court for the County of Tarrant to be known as 'The County Criminal Court No. 1 of Tarrant County' and to provide for the jurisdiction, and organization of, and procedure in said court; and declaring an emergency."

To the Committee on Jurisprudence.

By Senator Moore:

S. B. No. 265, A bill to be entitled "An Act placing all County Attorneys performing the duties of District Attorney on a salary basis of compensation and fixing the minimum and

maximum amounts of such salaries; providing for payments by the State into the Officers' Salary Fund of each county having a County Attorney performing the duties of District Attorney; amending Subsection (b) of Section 13 and Subsection (a) of Section 15, Chapter 465, Acts of the 44th Legislature, Second Called Session, as amended, so as to delete provisions for apportionment of State appropriations made pursuant to those statutes to counties having a County Attorney performing the duties of District Attorney; stating the effect of this Act on other laws; providing an operative date; and declaring an emergency."

To the Committee on Finance.

By Senator Moore:

S. B. No. 266, A bill to be entitled "An Act amending Section 112(b) of Article 6701d of the Revised Civil Statutes of Texas, relating to mounting height of reflectors on motor vehicles; and declaring an emergency."

To the Committee on Transportation.

By Senator Dies:

S. B. No. 267, A bill to be entitled "An Act to provide that the taking and carrying away of merchantable timber of a value of less than One Hundred Dollars (\$100) shall be subject to a fine and/or jail sentence; amending Article 1379 of the Penal Code of Texas, 1925, as amended; and declaring an emergency."

To the Committee on Jurisprudence.

By Senator Gonzalez:

S. J. R. No. 15, Proposing an amendment to Article I of the Constitution of Texas by adding thereto a new Section to be known as Section 3a, providing that equality of rights under law shall not be denied or abridged because of sex; providing that the amendment is self-operative; and providing for the calling of an election and the publication and issuance of the proclamation therefor.

To the Committee on Constitutional Amendments.

House Bill 400 on Second Reading

Senator Martin moved that Senate Rules 116 and 13, and Section 5 of Article III of the State Constitution be suspended and that H. B. No. 400 be taken up for consideration at this time.

The motion prevailed by the following vote:

Yeas—27

Aikin	Lane
Baker	Martin
Calhoun	Moore
Colson	Owen
Creighton	Parkhouse
Crump	Patman
Dies	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Schwartz
Herring	Secrest
Hudson	Smith
Kazen	Willis
Krueger	

Absent

Fuller Rogers

Absent—Excused

Moffett Weinert

The Presiding Officer laid before the Senate on its second reading and passage to third reading:

H. B. No. 400, An Act to amend Section 1 and Section 3 of House Bill No. 754, Acts of the Regular Session, Forty-ninth Legislature, providing a distinction between crippled children and needy children; providing that appliances, braces and material necessary for the proper handling of crippled children shall not be considered personal property of the State; and declaring an emergency.

The bill was read second time and was passed to third reading.

House Bill 400 on Third Reading

Senator Martin moved that Senate Rules 32 and the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 400 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27

Aikin	Dies
Baker	Gonzalez
Calhoun	Hardeman
Colson	Hazlewood
Creighton	Herring
Crump	Hudson

Kazen	Ratliff
Krueger	Reagan
Lane	Roberts
Martin	Schwartz
Moore	Secrest
Owen	Smith
Parkhouse	Willis
Patman	

Absent

Fuller	Rogers
--------	--------

Absent—Excused

Moffett	Weinert
---------	---------

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29

Aikin	Lane
Baker	Martin
Calhoun	Moore
Colson	Owen
Creighton	Parkhouse
Crump	Patman
Dies	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Schwartz
Herring	Secrest
Hudson	Smith
Kazen	Willis
Krueger	

Absent—Excused

Moffett	Weinert
---------	---------

House Bill 59 Postponed

On motion of Senator Rogers and by unanimous consent consideration of H. B. No. 59 was postponed until Wednesday, March 1, 1961, following the Morning Call.

Senate Bill 23 on Second Reading

Senator Schwartz moved that Senate Rules 116 and 13, and Section 5 of Article III of the State Constitution be suspended and that S. B. No. 23 be taken up for consideration at this time.

The motion prevailed by the following vote:

Yeas—28

Aikin	Baker
-------	-------

Calhoun	Martin
Colson	Moore
Creighton	Owen
Crump	Parkhouse
Dies	Patman
Fuller	Ratliff
Gonzalez	Reagan
Hazlewood	Roberts
Herring	Rogers
Hudson	Schwartz
Kazen	Secrest
Krueger	Smith
Lane	Willis

Absent

Hardeman

Absent—Excused

Moffett	Weinert
---------	---------

The Presiding Officer laid before the Senate on its second reading and passage to engrossment:

S. B. No. 23, A bill to be entitled "An Act amending Subsection (1) of Section 23 of the Uniform Narcotic Drug Act, Chapter 169, Acts of the Forty-fifth Legislature, Regular Session, 1937, as last amended by Chapter 101, Acts of the 55th Legislature, Regular Session, 1957 (compiled as Subsection 1, Section 23, of Article 725b, Vernon's Annotated Penal Code) to increase the minimum penalty for violation to five (5) years; and declaring an emergency."

The bill was read second time.

Senator Schwartz offered the following committee amendment to the bill:

Amend Senate Bill No. 23 by striking all of said bill which follows the enacting clause and substituting in lieu thereof the following:

"Section 1. Subsection (1) of Section 23 of the Uniform Narcotic Drug Act, Chapter 169, Acts of the Forty-fifth Legislature, Regular Session, as last amended by Chapter 101, Acts of the Fifty-fifth Legislature, Regular Session, is hereby amended so as to read as follows:

"Sec. 23. (1) Any person who sells or offers to sell any narcotic drug as prohibited by this Act shall upon conviction be punished by confinement in the penitentiary for not less than five (5) years nor more than life, and upon the second or any subsequent conviction thereof shall be punished by confinement in the penitentiary

for life or for any term of years not less than ten (10); any person violating any other provision of this Act shall, upon conviction, be punished by confinement in the State penitentiary for not less than two (2) years nor more than life, and upon the second or any subsequent conviction therefor shall be punished by confinement in the penitentiary for life or for any term of years not less than ten (10), and the benefits of the suspended sentence law shall not be available to a defendant convicted for a violation of any of the provisions of this Act; provided that any person convicted of a first offense violation of this Act shall be entitled to the benefits of probation under the Adult Probation and Parole Law, as provided therein."

Sec. 2. The importance of this legislation as a deterrent to the illegal sale and use of narcotic drugs creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and said Rule is hereby suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted."

The Committee Amendment was adopted.

Senator Schwartz offered the following committee amendment to the bill:

Amend Senate Bill No. 23 by striking the caption thereof and substituting in lieu thereof the following:

An Act amending Subsection (1) of Section 23 of the Uniform Narcotic Drug Act, Chapter 169, Acts of the Forty-fifth Legislature, Regular Session, as amended, to increase the minimum penalty for selling or offering to sell narcotic drugs as prohibited by such Act; and declaring an emergency.

The committee amendment was adopted.

The bill as amended was passed to engrossment.

Senate Bill 23 on Third Reading

Senator Schwartz moved that Senate Rules 32 and the constitutional rule requiring bills to be read on three several days be suspended and

that S. B. No. 23 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Lane
Baker	Martin
Calhoun	Moore
Colson	Owen
Creighton	Parkhouse
Crump	Patman
Dies	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Schwartz
Herring	Secret
Hudson	Smith
Kazen	Willis
Krueger	

Absent—Excused

Moffett Weinert

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29

Aikin	Lane
Baker	Martin
Calhoun	Moore
Colson	Owen
Creighton	Parkhouse
Crump	Patman
Dies	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Schwartz
Herring	Secret
Hudson	Smith
Kazen	Willis
Krueger	

Absent—Excused

Moffett Weinert

Senate Concurrent Resolution 12 on Second Reading

The Presiding Officer laid before the Senate on its second reading the following resolution:

S. C. R. No. 12, Granting W. E. Campbell and wife permission to sue the State of Texas.

The resolution was read.

On motion of Senator Lane and by unanimous consent the resolution was considered immediately and was adopted.

On motion of Senator Lane and by unanimous consent the vote by which S. C. R. No. 12 was passed was reconsidered.

S. C. R. No. 12 was then passed by the following vote:

Yeas—29

Aikin	Lane
Baker	Martin
Calhoun	Moore
Colson	Owen
Creighton	Parkhouse
Crump	Patman
Dies	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Schwartz
Herring	Secrest
Hudson	Smith
Kazen	Willis
Krueger	

Absent—Excused

Moffett Weinert

Motion to Place Committee Substitute Senate Bill 41 on Second Reading

Senator Parkhouse moved that Senate Rules 116 and 13 and Section 5 of Article III of the State Constitution be suspended and that C. S. S. B. No. 41 be taken up for consideration at this time.

The motion was lost by the following vote (not receiving four-fifths vote of the Members of the Senate):

Yeas—22

Aikin	Lane
Baker	Moore
Colson	Owen
Creighton	Parkhouse
Crump	Ratliff
Fuller	Reagan
Hardeman	Rogers
Hazlewood	Schwartz
Herring	Secrest
Kazen	Smith
Krueger	Willis

Nays—4

Calhoun	Hudson
Dies	Patman

Absent

Gonzalez	Roberts
Martin	

Absent—Excused

Moffett	Weinert
---------	---------

Senate Bill 188 on Second Reading

Senator Krueger moved that Senate Rules 116 and 13 and Section 5 of Article III of the State Constitution be suspended and that S. B. No. 188 be taken up for consideration at this time.

The motion prevailed by the following vote:

Yeas—26

Aikin	Kazen
Baker	Krueger
Calhoun	Lane
Colson	Moore
Creighton	Owen
Crump	Parkhouse
Dies	Patman
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Rogers
Hazlewood	Schwartz
Herring	Secrest
Hudson	Smith

Nays—1

Willis

Absent

Martin	Roberts
--------	---------

Absent—Excused

Moffett	Weinert
---------	---------

The Presiding Officer laid before the Senate on its second reading and passage to engrossment:

S. B. No. 188, A bill to be entitled "An Act relating to issuance and enforcement of 'Permits to Dispense Performing Rights Under a Blanket License' for certain copyrighted musical or dramatico-musical compositions; amending Sections 1, 3, 4, 5, and 8 of Chapter 307, Acts of the 55th Legislature, Regular Session, 1957; and declaring an emergency."

The bill was read second time.

Senator Krueger offered the following Committee Amendment to the bill:

Amend Section 4 of S. B. No. 188

by striking the last paragraph of Section 5 as quoted in Section 4, which paragraph commences with the words, "No permit . . ." and by adding a new section, Section 4a to Senate Bill No. 188, to read:

"Sec. 4a. Section 6 of Chapter 307, Acts of the 55th Legislature, Regular Session, 1957, is amended to read:

"Sec. 6. No permit to Dispense Performing Rights Under a Blanket License shall be issued unless the registration statement and Power of Attorney required by this section are on file with the Secretary of State."

The committee amendment was adopted.

On motion of Senator Krueger and by unanimous consent the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

Senate Bill 188 on Third Reading

Senator Krueger moved that Senate Rule 32 and the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 188 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin	Krueger
Baker	Lane
Calhoun	Martin
Colson	Moore
Creighton	Owen
Crump	Parkhouse
Dies	Patman
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Schwartz
Hudson	Secrest
Kazen	Smith

Nays—1

Willis

Absent—Excused

Moffett

Weinert

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—28

Aikin	Krueger
Baker	Lane
Calhoun	Martin
Colson	Moore
Creighton	Owen
Crump	Parkhouse
Dies	Patman
Fuller	Ratliff
Gonzalez	Reagan
Hardeman	Roberts
Hazlewood	Rogers
Herring	Schwartz
Hudson	Secrest
Kazen	Smith

Nays—1

Willis

Absent—Excused

Moffett

Weinert

Message from the House

Hall of the House of Representatives
Austin, Texas,
February 23, 1961.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

The House has concurred in Senate amendments to House Bill No. 179 by viva voce.

Respectfully submitted,
DOROTHY HALLMAN,
Chief Clerk, House of Representatives

Senate Bill 203 on Second Reading

Senator Hazlewood moved that Senate Rules 116 and 13 and Section 5 of Article III of the State Constitution be suspended and that S. B. No. 203 be taken up for consideration at this time.

The motion prevailed by the following vote:

Yeas—29

Aikin	Fuller
Baker	Gonzalez
Calhoun	Hardeman
Colson	Hazlewood
Creighton	Herring
Crump	Hudson
Dies	Kazen

Krueger	Reagan
Lane	Roberts
Martin	Rogers
Moore	Schwartz
Owen	Secrest
Parkhouse	Smith
Patman	Willis
Ratliff	

Absent—Excused

Moffett Weinert

The Presiding Officer laid before the Senate on its second reading and passage to engrossment:

S. B. No. 203, A bill to be entitled "An Act authorizing the Texas State Parks Board to pledge the revenues from Palo Duro Canyon State Park for the purpose of constructing improvements, including a dam or dams and appurtenances thereto, but not limited to such construction, authorizing the issuance of bonds for such improvements and prescribing maximum rate of interest, etc., and declaring an emergency."

The bill was read second time and was passed to engrossment.

Senate Bill 203 on Third Reading

Senator Hazlewood moved that Senate Rules 32 and the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 203 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Lane
Baker	Martin
Calhoun	Moore
Colson	Owen
Creighton	Parkhouse
Crump	Patman
Dies	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Schwartz
Herring	Secrest
Hudson	Smith
Kazen	Willis
Krueger	

Absent—Excused

Moffett Weinert

The Presiding Officer then laid the

bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29

Aikin	Lane
Baker	Martin
Calhoun	Moore
Colson	Owen
Creighton	Parkhouse
Crump	Patman
Dies	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Schwartz
Herring	Secrest
Hudson	Smith
Kazen	Willis
Krueger	

Absent—Excused

Moffett Weinert

**Motion to Place
Senate Bill 104 on Second Reading**

Senator Herring moved that Senate Rules 116 and 13 and Section 5 of Article III of the State Constitution be suspended and that S. B. No. 104 be taken up for consideration at this time.

The motion was lost by the following vote (Not receiving four-fifths vote of the Members of the Senate):

Yeas—22

Aikin	Herring
Baker	Hudson
Calhoun	Kazen
Colson	Lane
Creighton	Moore
Crump	Owen
Dies	Parkhouse
Fuller	Patman
Gonzalez	Schwartz
Hardeman	Secrest
Hazlewood	Willis

Nays—6

Krueger	Roberts
Ratliff	Rogers
Reagan	Smith

Absent

Martin

Absent—Excused

Moffett Weinert

Bill and Resolutions Signed

The Presiding Officer announced the signing of by the President in the presence of the Senate after the caption had been read, the following enrolled bill and resolutions:

S. B. No. 126, A bill to be entitled "An Act authorizing the Commissioners Court of Midland County to pay the District Judge of the 142nd Judicial District compensation in addition to the compensation paid by the State; making other provisions relative thereto; providing a severability clause; and declaring an emergency."

S. C. R. No. 11, Authorizing Board of Regents of the University of Texas to accept grants, donations, etc., for Texas M. D. Anderson Hospital and Tumor Institute.

S. C. R. No. 16, Commending and authorizing the Fraternal Order of the Eagles to erect a monolith on the Capitol Grounds.

S. C. R. No. 17, Extending congratulations to and commending the Texas Independence Day Organization on celebration of March 2, 1836 at Washington-on-the-Brazos.

Senate Bill 219 on Second Reading

Senator Hardeman moved that Senate Rules 116 and 13, and Section 5 of Article III of the State Constitution be suspended and that S. B. No. 219 be taken up for consideration at this time.

The motion prevailed by the following vote:

Yeas—29

Aikin	Lane
Baker	Martin
Calhoun	Moore
Colson	Owen
Creighton	Parkhouse
Crump	Patman
Dies	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Schwartz
Herring	Secrest
Hudson	Smith
Kazen	Willis
Krueger	

Absent—Excused

Moffett	Weinert
---------	---------

The Presiding Officer laid before the Senate on its second reading and passage to engrossment:

S. B. No. 219, A bill to be entitled "An Act changing the terms of Court of the 109th Judicial District, composed of the counties of Andrews, Crane and Winkler; prescribing the terms of the court; etc.; and declaring an emergency."

The bill was read second time and was passed to engrossment.

Senate Bill 219 on Third Reading

Senator Hardeman moved that Senate Rules 32 and the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 219 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Lane
Baker	Martin
Calhoun	Moore
Colson	Owen
Creighton	Parkhouse
Crump	Patman
Dies	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Schwartz
Herring	Secrest
Hudson	Smith
Kazen	Willis
Krueger	

Absent—Excused

Moffett	Weinert
---------	---------

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Bills and Resolution Signed

The Presiding Officer announced the signing of by the President Pro Tempore in the presence of the Senate after the caption had been read, the following enrolled bills and resolution:

H. B. No. 90, To amend Section 8 of House Bill No. 87, Acts of the Fifty-sixth Legislature, Regular Ses-

sion, 1959, Chapter 190, codified as Article 326k-41a of Vernon's Civil Statutes, so as to provide that the annual compensation of the stenographer of the District Attorney of the 121st Judicial District of Texas shall be increased from a maximum of Twenty-four Hundred Dollars (\$2,400) per annum to a maximum of Thirty-three Hundred Dollars (\$3,300) per annum; providing a repealing clause; and declaring an emergency.

H. B. No. 135, Amending Section 1 of Chapter 369, Acts of the Fifty-fourth Legislature, Regular Session, 1955, relating to noxious weeds, and adding Comal County thereto; and declaring an emergency.

H. B. No. 312, An Act creating Brazoria County Road District No.

35, of Brazoria County, Texas, etc., and declaring an emergency.

H. B. No. 192, Amending Article 7260, Revised Civil Statutes of Texas, 1925, as amended, by adding a new Section to provide that the Tax Assessor-Collectors shall be entitled to deduct amounts of double payments and homestead exemptions claimed, and refund same to claimants, if paid in error and reported in prior months of the current tax year, etc., and declaring an emergency.

H. C. R. No. 32, Congratulating Chief Justice John E. Hickman on his judicial career.

Adjournment

On motion of Senator Baker the Senate at 12:03 o'clock p.m. adjourned until 11:00 o'clock a.m. on Monday, February 27, 1961.

In Memory of
Dr. John W. Davis, Jr.

Senator Baker offered the following resolution:

(Senate Resolution 136)

Whereas, The City of Houston lost a valued citizen and Texas Southern University one of its staunchest supporters in the recent passing of Dr. John W. Davis, Jr.; and

Whereas, Dr. Davis, a native of Houston, received his doctor of dental surgery degree from Northwestern University in 1925 and returned to Houston, where he was in active practice until the time of his death; and

Whereas, He was one of the pioneers in establishing Texas Southern University, serving as chairman of the big gifts committee to raise funds for the Thornton McNair Fairchild Memorial Building which was to constitute the nucleus of the buildings that later became the campus of Texas Southern University; and

Whereas, He made many other contributions to Texas Southern University through the years and was a member of the Board of Trustees of that institution; and

Whereas, He was past president of Alpha Phi Alpha fraternity, one of the founders of Charles A. George Dental Society, and was on the Board of Trustees and Stewards of the Wesley Chapel AME Church; and

Whereas, As a member of the Board of Directors of the YMCA and of the Negro Chamber of Commerce, he had been a leader in such campaigns as Community Chest and YMCA membership drives; and

Whereas, He was the recipient of numerous honors, having been selected to receive the Meritorious Service Award from the old Houston College for Negroes in 1947, being named "Man of the Year" by the Negro Chamber of Commerce in 1949, and receiving the 1960 Distinguished Service Award for professional achievement from the Business and Professional Men's Club for his singular contributions in the areas of business and human relations; and

Whereas, Surviving him are his wife, Mrs. Martha Sneed Davis; one daughter, Johnny Ruth Davis, a student at Denver University; and one son, John W. Davis, III, of Houston; now, therefore, be it

Resolved, That the Senate of the State of Texas of the Fifty-seventh Legislature, Regular Session, pay tribute to the inspiring life and worthy achievements of Dr. John W. Davis, Jr., by setting aside a page of the Senate Journal in his memory, by transmitting a copy of the resolution to his family as a token of our sympathy and regard, and by adjourning this day in his memory.

The resolution was read and was adopted by a rising vote of the Senate.

In Memory of
Bennie Goldstein

Senator Willis offered the following resolution:

(Senate Resolution 137)

Whereas, In the passing of Bennie Goldstein of Fort Worth and Tarrant County on 6 February 1961, the people of Texas lost a beloved citizen and distinguished man; and

Whereas, Bennie Goldstein was loved by all who knew him and respected for his honor and integrity. He was a responsible man, sensitive to the feelings and needs of all people and possessed infinite patience in his work and association with his fellowman. His warm smile made him accessible to friend and stranger alike; and

Whereas, He was a member of Congregations Beth El and Ahavath Sholom. Other memberships included B'nai B'rith, Southside Masonic Lodge 1114, Scottish Rite Consistory, Moslah Shrine Temple and the Benevolent and Protective Order of Elks; and

Whereas, Bennie Goldstein was a good man. He was a devoted husband and father, a friend of all he came in contact, loved by his friends and respected and honored by his business associates; now, therefore, be it

Resolved, That a page be set aside in the Senate Journal as a memorial to Bennie Goldstein; that copies of this resolution be sent to his family with the deep regard of the Texas Senate; and that when the Senate adjourns today it do so in honor and memory of this great man.

The resolution was read and was adopted by a rising vote of the Senate.